

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
REQUEST OF INDUSTRIAL)	
TELECOMMUNICATIONS ASSOCIATION)	RM - 10687
)	
to Certify ITA to Frequency Coordinate the)	
Power Radio Service, Railroad Radio Service and)	
Automobile Emergency Radio Service)	

COMMENTS OF MRFAC, INC.

MRFAC, Inc. ("MRFAC"), hereby submits these Comments in response to the Informal Request of the Industrial Telecommunications Association ("ITA") to certify ITA as a frequency coordinator for the Power Radio Service ("PRS"), Railroad Radio Service ("RRS") and Automobile Emergency Radio Service ("AERS").¹ MRFAC supports ITA's request to coordinate the subject frequencies, and urges the Commission to authorize MRFAC to coordinate these frequencies as well. In support MRFAC submits the following:

I. Introduction

MRFAC began operating in the 1950's as the frequency coordinating arm for the National Association of Manufacturers ("NAM"). Beginning in 1978, and for the past 25 years, MRFAC has operated independently, providing coordination and licensing-related services, particularly for manufacturers and other industrial and business entities. MRFAC has a long history of participating in Commission rule makings, including spectrum allocation and frequency coordination proceedings.

¹ The Commission gave Public Notice on March 26, 2003, that it is treating ITA's Request as a Petition for Rule Making. See Public Notice, Report No. 2601. These Comments are timely filed within 30 days of that Public Notice.

The Commission initiated the move to competitive coordination in its Second Report and Order in the "refarming" proceeding.² In that decision, the agency consolidated the individual private land mobile services into two pools and authorized competition among coordinators for channels in the Industrial/Business pool, except with respect to the three Services referenced above. In so doing, the Commission observed that competition among frequency coordinators would result in improved speed and quality of service at reduced costs.³

Since then, the Wireless Telecommunications Bureau ("WTB") has expanded competition among coordinators for the 800 MHz and 900 MHz Business and Industrial/Land Transportation services, where MRFAC is one of several competing coordinators.⁴

The Commission's reliance on marketplace forces has been vindicated. Frequency coordinators have responded affirmatively to competition and the consumer has been the beneficiary.

Thus, ITA's Request represents a continuation of a trend towards increased competition among coordinators. However, rather than a piecemeal approach whereby each coordinator requests certification from the Commission for each of the referenced services, the Commission

² Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services, Second Report and Order, 12 FCC Rcd 14307 (1997) ("Second Report & Order").

³ *Ibid.* at para. 40. The Petroleum Radio Service has also been excluded from coordination competition. ITA's filing excludes this Service presumably because it (ITA) has a sole-source contract with American Petroleum Institute. However, the logic of ITA's filing militates in favor of including the Petroleum Radio Service frequencies in whatever relief the Commission should fashion here.

⁴ See Order, In the Matter of United Telecom Council Informal Request for Certification as a Frequency Coordinator in the PLMR 800 MHz and 900 MHz Bands, 16 FCC Rcd 8436 (WTB, 2001) ("UTC Order"); Public Notice, Wireless Telecommunications Bureau Announces That Forest Industries Telecommunications is Certified as a Frequency Coordinator for 800/900 MHz Business and Industrial/Land Transportation Frequencies, 16 FCC Rcd 12666 (WTB, 2001).

should take this opportunity to open coordination of frequencies in the PRS, RRS and AERS to MRFAC, and other certified coordinators which express an interest.

II. MRFAC and Other Certified PLMRS Coordinators are Qualified to Coordinate Frequencies in the PRS, RRS and AERS

ITA has shown that it is qualified to coordinate frequencies in the PRS, RRS and AERS. MRFAC is similarly qualified: It has coordinated frequencies for business and industrial entities like these for years; it uses modern software and data processing tools; its staff has the requisite expertise; and its coordinations are performed for entities nationwide. Thus, the Commission should also authorize MRFAC to coordinate frequencies in these services. MRFAC takes this opportunity to add a few additional thoughts regarding the issues presented here and how the Commission might most efficiently resolve this matter.

The Commission's move to electronic filing, the accessibility of the Universal Licensing System database, the wide availability of third-party software for interference studies, and the technical expertise that each of the certified coordinators possesses, provide the qualifications needed to coordinate frequencies in the PRS, RRS and AERS.

There should be no need for the Commission to require a previously-certified coordinator to submit an application to show that it is qualified to coordinate frequencies in these Services. The Commission has already recognized each certified coordinator's general expertise and qualifications. Requiring new and separate requests from each coordinator for the PRS, RRS and AERS would be an inefficient use of both the coordinator's and the Commission's resources. Rather, the Commission should simply invite those certified coordinators which have not yet stated an interest in obtaining certification for the PRS, RRS and AERS to so notify the Commission. This is similar to the approach the WTB took in the UTC Order.

It should also be noted that in a competitive coordination environment the "representativeness" criterion no longer holds much meaning. It is an artifact of prior

Commission policies when there was only a single coordinator for each PLMR service,⁵ and when some criterion was need for selecting the sole coordinator for a limited group of applicants and licensees. As long as a prospective coordinator has been certified, the group of licensees it may have historically represented should not matter.

III. Conclusion

The relief requested here would not alter the status of any frequency currently allocated for use by the three Services; each will remain allocated for the use of its eligibles. Rather, the relief requested offers incumbent licensees and other eligibles a choice -- and in so doing could bring them the benefits of improved service at reduced cost. Accordingly, the Commission should authorize ITA and MRFAC, and any other certified coordinator expressing an interest, to coordinate PRS, RRS and AERS frequencies.

Respectfully submitted,

MRFAC, INC.

A handwritten signature in dark ink, appearing to read 'William K. Keane', is written over a horizontal line.

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April 25, 2003

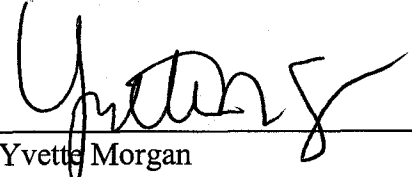
⁵ See Second Report and Order, 16 FCC Rcd at 8445.

CERTIFICATE OF SERVICE

I, Yvette Morgan, hereby certify that the foregoing "Comments of MRFAC, Inc." was served this 25th day of April, 2003, by depositing a true copy thereof with the United States Postal Service, first class postage prepaid, addressed to:

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